

3-16-06

Attorney Docket No. 18133-213 NATL 3753

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : Tony Day  
SERIAL NUMBER : 10/509,434 EXAMINER : Not Yet Assigned  
FILING DATE : June 6, 2005 ART UNIT : 3753  
FOR : COOLING OF A DATA CENTRE

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

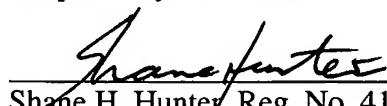
Transmitted herewith for filing in the present application are the following documents:

1. Information Disclosure Statement (2 pages), in duplicate;
2. Modified Form 1449/PTO (3 pages), in duplicate;
3. Copies of Cited References: B1-15; and
4. Return Postcard.

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 542-6000, Boston, Massachusetts.

The Commissioner is authorized to charge any fees that may be due, or to credit any overpayment, to the undersigned's account, Deposit Account No. 50-0311 Ref. No. 18133-213 NATL. A duplicate copy of this transmittal letter is enclosed herewith.

Respectfully submitted,

  
\_\_\_\_\_  
Shane H. Hunter, Reg. No. 41,858  
Attorney for Applicants  
MINTZ, LEVIN, COHN, FERRIS,  
GLOVSKY and POPEO, P.C.  
Address all written correspondence to  
**Customer no.: 30623**  
Tel: (617) 542-6000  
Fax: (617) 542-2241

Date: March 14, 2006

**MAR 14 2006 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**PATENT & TRADEMARK OFFICE**  
APPLICANT : Tony Day  
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**INFORMATION DISCLOSURE STATEMENT**

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, Applicant hereby makes of record the documents listed on the attached modified Form PTO-1449, as well as copies of the listed documents.

This Information Disclosure Statement is being filed before the mailing date of a first Office Action based on the merits in the above-identified case. Accordingly, no fee or certification is believed due. By the waiver of 37 CFR 1.98(a)(2)(i) copies of the U.S. Patents A1-A43 and of the U.S. Published Applications A44-A46 are not submitted.

It is respectfully requested that the Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims, and sign the enclosed form PTO-1449 to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application.

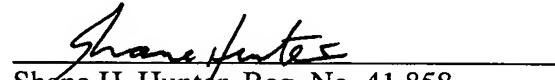
By submitting this Information Disclosure Statement, the Applicant makes no representation that: (1) a search has been performed, of the extent of any search performed, or that more relevant information does not exist; (2) the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b); and (3) the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

APPLICANTS: **Tony Day**  
U.S.S.N.: **10/509,434**

Notwithstanding any statements by the Applicant, the Examiner is urged to form his/her own conclusion regarding the relevance of the cited information. An early and favorable action is hereby requested.

Please charge any fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 18133-213 NATL.

Respectfully submitted,

  
\_\_\_\_\_  
Shane H. Hunter, Reg. No. 41,858  
Attorney for Applicants  
MINTZ, LEVIN, COHN, FERRIS,  
GLOVSKY and POPEO, P.C.  
Address all written correspondence to  
**Customer no.: 30623**  
Tel: (617) 542-6000  
Fax: (617) 542-2241

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PTO/SB (12-97)

Approved for use through 9/30/00. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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|   |  |                        |                  |
|---|--|------------------------|------------------|
| Modified Form 1449/PTO  |  | Application Number     | 10/509,434       |
| <b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><br>(use as many sheets as necessary) |  | Filing Date            | June 6, 2005     |
|   |  | First Named Inventor   | Day              |
|   |  | Group Art Unit         | 3753             |
|   |  | Examiner Name          | Not Yet Assigned |
|   |  | Attorney Docket Number | 18133-213 NATL   |

**U.S. PATENT DOCUMENTS**

| Exam Initials | Cite No.  | U.S. Patent Document No. | Issue Date        | Name of Patentee(s) or Applicant(s) | Class | Sub Class | Filing Date If Appropriate |
|---------------|-----------|--------------------------|-------------------|-------------------------------------|-------|-----------|----------------------------|
| *A1           | 3,120,166 | 02/04/64                 | Lyman             |                                     | 454   | 307       |                            |
| *A2           | 4,016,357 | 04/05/77                 | Abrahamsen        |                                     | 174   | 48        |                            |
| *A3           | 4,089,040 | 05/09/78                 | Paulsen           |                                     | 361   | 383       |                            |
| *A4           | 4,196,526 | 04/08/80                 | Berti             |                                     | 34    | 77        |                            |
| *A5           | 4,315,300 | 02/09/82                 | Parmerlee et al.  |                                     | 361   | 382       |                            |
| *A6           | 4,352,274 | 10/05/82                 | Anderson et al.   |                                     | 62    | 229       |                            |
| *A7           | 4,672,509 | 06/09/87                 | Speraw            |                                     | 361   | 384       |                            |
| *A8           | 4,710,096 | 12/01/87                 | Erlam             |                                     | 415   | 121 G     |                            |
| *A9           | 4,851,965 | 07/25/89                 | Gabuzda et al.    |                                     | 361   | 383       |                            |
| *A10          | 4,860,163 | 08/22/89                 | Sarath            |                                     | 361   | 384       |                            |
| *A11          | 4,901,138 | 02/13/90                 | Kushibiki et al.  |                                     | 357   | 81        |                            |
| *A12          | 5,150,277 | 09/22/92                 | Bainbridge et al. |                                     | 361   | 384       |                            |
| *A13          | 5,184,879 | 02/09/93                 | Brossardt et al.  |                                     | 312   | 236       |                            |
| *A14          | 5,285,347 | 02/08/94                 | Fox et al.        |                                     | 361   | 385       |                            |
| *A15          | 5,329,425 | 07/12/94                 | Leyssens et al.   |                                     | 361   | 701       |                            |
| *A16          | 5,414,591 | 05/09/95                 | Kimura et al.     |                                     | 361   | 695       |                            |
| *A17          | 5,460,441 | 10/24/95                 | Hastings et al.   |                                     | 312   | 298       |                            |
| *A18          | 5,467,607 | 11/21/95                 | Harvey            |                                     | 62    | 186       |                            |
| *A19          | 5,509,468 | 04/23/96                 | Lopez             |                                     | 165   | 144       |                            |
| *A20          | 5,544,012 | 08/06/96                 | Koike             |                                     | 361   | 695       |                            |
| *A21          | 5,671,805 | 09/30/97                 | Stahl et al.      |                                     | 165   | 80.3      |                            |
| *A22          | 5,709,100 | 01/20/98                 | Baer et al.       |                                     | 62    | 259.2     |                            |
| *A23          | 5,765,743 | 06/16/98                 | Sakiura et al.    |                                     | 236   | 49.3      |                            |
| *A24          | 5,823,005 | 10/20/98                 | Alexander et al.  |                                     | 62    | 259.2     |                            |
| *A25          | 5,826,432 | 10/27/98                 | Ledbetter         |                                     | 62    | 62        |                            |

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|--|------|--------------|----------|-------------------|-----|--------|--|
|  | *A26 | 5,851,143    | 12/22/98 | Hamid             | 454 | 57     |  |
|  | *A27 | 5,953,930    | 09/21/99 | Chu et al.        | 62  | 259.2  |  |
|  | *A28 | 5,982,616    | 11/09/99 | Moore             | 361 | 687    |  |
|  | *A29 | 6,041,851    | 03/28/00 | Diebel et al.     | 165 | 104.33 |  |
|  | *A30 | 6,065,531    | 05/23/00 | Schneider et al.  | 165 | 122    |  |
|  | *A31 | 6,088,225    | 07/11/00 | Parry et al.      | 361 | 704    |  |
|  | *A32 | 6,127,663    | 10/03/00 | Jones             | 219 | 553    |  |
|  | *A33 | 6,164,369    | 12/26/00 | Stoller           | 165 | 104.33 |  |
|  | *A34 | 6,185,098 B1 | 02/06/01 | Benavides         | 361 | 695    |  |
|  | *A35 | 6,186,890 B1 | 02/13/01 | French et al.     | 454 | 184    |  |
|  | *A36 | 6,198,628 B1 | 03/06/01 | Smith             | 361 | 695    |  |
|  | *A37 | 6,285,157 B1 | 09/04/01 | Hain et al.       | 318 | 809    |  |
|  | *A38 | 6,374,627 B1 | 04/23/02 | Schumacher et al. | 62  | 259.2  |  |
|  | *A39 | 6,375,561 B1 | 04/23/02 | Nicolai et al.    | 454 | 184    |  |
|  | *A40 | 6,463,997 B1 | 10/15/02 | Nicolai et al.    | 165 | 80.2   |  |
|  | *A41 | 6,506,111 B2 | 01/14/03 | Sharp et al.      | 454 | 184    |  |
|  | *A42 | 6,515,225 B1 | 02/04/03 | Wright            | 174 | 50     |  |
|  | *A43 | 6,516,954 B2 | 02/11/03 | Broome            | 211 | 26     |  |

**U.S. PUBLISHED APPLICATION DOCUMENTS**

| Exam Initials | Cite No. | U.S. Published Application No. | Published Date | Name of Patentee(s) or Applicant(s) | Class | Sub Class | Filing Date If Appropriate |
|---------------|----------|--------------------------------|----------------|-------------------------------------|-------|-----------|----------------------------|
|               | *A44     | 2001/0029163 A1                | 10/11/01       | Spinazzola et al.                   | 454   | 184       |                            |
|               | *A45     | 2001/0042616 A1                | 11/22/01       | Baer                                | 165   | 299       |                            |
|               | *A46     | 2002/0185262 A1                | 12/12/02       | Baer                                | 165   | 104.22    |                            |

**FOREIGN PATENT DOCUMENTS**

| Exam Initials | Cite No. | Foreign Patent Document Office Number | Name of Patentee(s) or Applicant(s)                        | Date of Publication | Translation Yes No |
|---------------|----------|---------------------------------------|--|---------------------|--------------------|
|               | B1       | EP 0 230 083 B1                       | HOLLAND HEATING B.V.                                       | 07/29/87            |                    |
|               | B2       | EP 0 621 451 A2                       | LIEBERT CORPORATION  | 10/26/94            |                    |
|               | B3       | EP 0 468 597 B1                       | HOLLAND HEATING B.V.                                       | 06/24/98            |                    |
|               | B4       | EP 1 017 263 A2                       | KOPLIN, EDWARD C.  | 07/05/00            |                    |
|               | B5       | EP 1 120 610 A2                       | HOLLAND HEATING B.V.                                       | 08/01/01            |                    |
|               | B6       | DE 25 37 295 A1                       | CSELT - CENTRO STUDI D LABORATORI TELECOMUNICAZIONI S.P.A. | 04/22/76            | NO                 |
|               | B7       | DE 33 16978 A1                        | SIEMENS AG   | 11/15/84            | NO                 |
|               | B8       | DE 197 28 306 C2                      | LUCENT TECHNOLOGIES NETWORK SYSTEMS GMBH                   | 01/07/99            | NO                 |
|               | B9       | GB 2 202 681                          | THE GENERAL ELECTRIC CO.                                   | 09/28/88            |                    |
|               | B10      | GB 2 359 933 A                        | ERICSSON INC.  | 09/05/01            |                    |
|               | B11      | WO 99/13273                           | HOLLAND HEATING B.V.                                       | 03/18/99            |                    |
|               | B12      | WO 01/62060 A1                        | RTKL ASSOCIATES INC.                                       | 08/23/01            |                    |

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|--|-----|----|--------------|----------------------|----------|--|--|
|  | B13 | WO | 01/72099 A2  | LIEBERT CORPORATION  | 09/27/01 |  |  |
|  | B14 | WO | 02/12797 A2  | EMERSON ELECTRIC CO. | 02/14/02 |  |  |
|  | B15 | WO | 02/102124 A2 | LIEBERT CORPORATION  | 12/19/02 |  |  |

| OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS |             |  |  |
|---|-------------|--|--|
| Exam<br>Initials                                  | Cite<br>No. | Name of Author, Title (when appropriate), Publication, Volume, Page(s), Date, Etc. |  |
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\* By the waiver of 37 CFR 1.98(a)(2)(i) copies of the U.S. Patents A1-A43 and of the U.S. Patent Applications A44-A46 are not submitted.

|                       |  |                    |  |
|-----------------------|--|--------------------|--|
| Examiner<br>Signature |  | Date<br>Considered |  |
|-----------------------|--|--------------------|--|

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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